

# House Amendment 1067

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1 1 Amend House File 644 as follows:  
1 2 ~~#1.~~ By striking everything after the enacting  
1 3 clause and inserting the following:  
1 4 <DIVISION I  
1 5 GENERAL PROVISIONS RELATING  
1 6 TO CONDUCT OF ELECTIONS  
1 7 Section 1. Section 43.6, subsection 2, Code 2005,  
1 8 is amended to read as follows:  
1 9 2. When a vacancy occurs in the office of county  
1 10 supervisor or any of the offices listed in section  
1 11 39.17 and more than seventy days remain in the term of  
1 12 office following the next general election, the office  
1 13 shall be filled for the balance of the unexpired term  
1 14 at that general election unless the vacancy has been  
1 15 filled by a special election called more than seventy=  
1 16 three days before the primary election. If the  
~~1 17 vacancy occurs more than seventy=three days before the~~  
~~1 18 primary election, political party candidates for that~~  
~~1 19 office at the next general election shall be nominated~~  
~~1 20 at the primary election.~~ If an appointment to fill  
1 21 the vacancy in office is made eighty=eight or more  
1 22 days before the primary election and a petition  
1 23 requesting a special election has not been received  
1 24 within fourteen days after the appointment is made,  
1 25 candidates for the office shall be nominated at the  
1 26 primary election.  
1 27 Sec. 2. Section 43.14, Code 2005, is amended to  
1 28 read as follows:  
1 29 43.14 FORM OF NOMINATION PAPERS.  
1 30 1. Nomination papers shall include a petition and  
1 31 an affidavit of candidacy. All nomination petitions  
1 32 shall be eight and one-half by eleven inches in size  
1 33 and in substantially the form prescribed by the state  
1 34 commissioner of elections. They shall include or  
1 35 provide spaces for the following information:  
1 36 a. A statement identifying the signers of the  
1 37 petition as eligible electors of the appropriate  
1 38 county or legislative district and of the state.  
1 39 b. The name of the candidate nominated by the  
1 40 petition.  
1 41 c. For nomination petitions for candidates for the  
1 42 general assembly, a statement that the residence of  
1 43 the candidate is within the appropriate legislative  
1 44 district, or if that is not true, that the candidate  
1 45 will reside there within sixty days before the  
1 46 election. For other offices, a statement of the name  
1 47 of the county where the candidate resides.  
1 48 d. The political party with which the candidate is  
1 49 a registered voter.  
1 50 e. The office sought by the candidate, including  
2 1 the district number, if any.  
2 2 f. The date of the primary election for which the  
2 3 candidate is nominated.  
2 4 2. Signatures on a petition page shall be counted  
2 5 only if the ~~required~~ information required in  
~~2 6 subsection 1~~ is written or printed at the top of the  
2 7 page. Nomination papers on behalf of candidates for  
2 8 seats in the general assembly need only designate the  
2 9 number of the senatorial or representative district,  
2 10 as appropriate, and not the county or counties, in  
2 11 which the candidate and the petitioners reside. A  
2 12 signature line shall not be counted if the line lacks  
2 13 the signature of the eligible elector and the signer's  
2 14 address and city. ~~The person examining the petition~~  
~~2 15 shall mark any deficiencies on the petition and~~  
~~2 16 affidavit. A signature line shall not be counted if~~  
~~2 17 the signer's address is obviously outside the~~  
~~2 18 boundaries of the district.~~  
~~2 19 2- 3.~~ 3. The person examining the petition shall  
~~2 20 mark any deficiencies on the petition and affidavit.~~  
2 21 Signed nomination petitions and the signed and  
2 22 notarized affidavit of candidacy shall not be altered  
2 23 to correct deficiencies noted during examination. If  
2 24 the nomination petition lacks a sufficient number of

2 25 acceptable signatures, the nomination petition shall  
2 26 be rejected and shall be returned to the candidate.  
2 27 4. The nomination papers shall be rejected if the  
2 28 affidavit lacks any of the following:  
2 29 a. The candidate's name.  
2 30 b. The name of the office sought, including the  
2 31 district, if any.  
2 32 c. The political party name.  
2 33 d. The signature of the candidate.  
2 34 e. The signature of a notary public or other  
2 35 officer empowered to witness oaths.  
2 36 5. The candidate may replace a deficient affidavit  
2 37 with a corrected affidavit only if the replacement  
2 38 affidavit is filed before the filing deadline. The  
2 39 candidate may resubmit a nomination petition that has  
2 40 been rejected by adding a sufficient number of pages  
2 41 or signatures to correct the deficiency. A nomination  
2 42 petition and affidavit filed to replace rejected  
2 43 nomination papers shall be filed together before the  
2 44 deadline for filing.  
2 45 Sec. 3. Section 45.5, Code 2005, is amended to  
2 46 read as follows:  
2 47 45.5 FORM OF NOMINATION PAPERS.  
2 48 1. Nomination papers shall include a petition and  
2 49 an affidavit of candidacy. All nomination petitions  
2 50 shall be eight and one-half by eleven inches in size  
3 1 and shall be in substantially the form prescribed by  
3 2 the state commissioner of elections. They shall  
3 3 provide spaces for the following information:  
3 4 a. A statement identifying the signers of the  
3 5 petition as eligible electors of the appropriate ward,  
3 6 city, county, school district or school district  
3 7 director district, or legislative district and of the  
3 8 state of Iowa.  
3 9 b. The name of the candidate nominated by the  
3 10 petition.  
3 11 c. A statement that the candidate is or will be a  
3 12 resident of the appropriate ward, city, county, school  
3 13 district, or legislative or other district as required  
3 14 by section 39.27.  
3 15 d. The office sought by the candidate, including  
3 16 the district number, if any.  
3 17 e. The name and date of the election for which the  
3 18 candidate is nominated.  
3 19 2. Signatures on a petition page shall be counted  
3 20 only if the ~~required~~ information required in  
3 21 subsection 1 is written or printed at the top of the  
3 22 page. Nomination papers on behalf of candidates for  
3 23 seats in the general assembly need only designate the  
3 24 number of the senatorial or representative district,  
3 25 as appropriate, and not the county or counties, in  
3 26 which the candidate and the petitioners reside. A  
3 27 signature line in a nomination petition shall not be  
3 28 counted if the line lacks the signature of the  
3 29 eligible elector and the signer's address and city.  
3 30 ~~The person examining the petition shall mark any~~  
3 31 ~~deficiencies on the petition. A signature line shall~~  
3 32 ~~not be counted if the signer's address is obviously~~  
3 33 ~~outside the boundaries of the appropriate ward, city,~~  
3 34 ~~school district or school district director district,~~  
3 35 ~~or other district.~~  
3 36 ~~2- 3.~~ 3. The pages of the petition shall be securely  
3 37 fastened together to form a single bundle. Nomination  
3 38 petitions that are not bound shall be returned without  
3 39 further examination. The state commissioner shall  
3 40 prescribe by rule the acceptable methods for binding  
3 41 nomination petitions.  
3 42 ~~3- 4.~~ 4. The person examining the petition shall  
3 43 mark any deficiencies on the petition. Signed  
3 44 nomination petitions and the signed and notarized  
3 45 affidavit of candidacy shall not be altered to correct  
3 46 deficiencies noted during the examination. If the  
3 47 nomination petition lacks a sufficient number of  
3 48 acceptable signatures, the nomination papers shall be  
3 49 rejected and returned to the candidate.  
4 1 5. The nomination papers shall be rejected if the  
4 2 affidavit lacks any of the following:  
4 3 a. The candidate's name.  
4 4 b. The name of the office sought, including the  
4 5 district, if any.  
4 6 c. The signature of the candidate.

4 6 d. The signature of a notary public or other  
4 7 officer empowered to witness oaths.  
4 8 6. The candidate may replace a deficient affidavit  
4 9 with a corrected one only if the replacement is filed  
4 10 before the filing deadline. The candidate may  
4 11 resubmit a nomination petition that has been rejected  
4 12 by adding a sufficient number of pages or signatures  
4 13 to correct the deficiency. A nomination petition and  
4 14 affidavit filed to replace rejected nomination papers  
4 15 shall be filed together before the deadline for  
4 16 filing.

4 17 Sec. 4. Section 45.6, subsection 3, Code 2005, is  
4 18 amended to read as follows:

4 19 3. All signers, for all nominations, of each  
4 20 separate part of a nomination petition, shall reside  
4 21 in the appropriate ward, city, county, school  
4 22 district, ~~or legislative district,~~ or other district  
4 23 as required by section 45.1.

4 24 Sec. 5. Section 49.10, subsection 4, Code 2005, is  
4 25 amended to read as follows:

4 26 4. ~~No A~~ single room or area of any building or  
4 27 facility ~~shall~~ may be fixed as the polling place for  
4 28 more than one precinct ~~unless there are separate~~  
~~4 29 entrances each.~~ The location of each polling place  
4 30 shall be clearly marked within the room or area on the  
4 31 days on which elections are held as the ~~entrance to~~  
4 32 location of the polling place of a particular  
4 33 precinct, and suitable arrangements ~~are~~ shall be made  
4 34 within the room or area to prevent direct access from  
4 35 the polling place of any precinct to the polling place  
4 36 of any other precinct. When the commissioner has  
4 37 fixed such a polling place for any precinct it shall  
4 38 remain the polling place at all subsequent elections,  
4 39 except elections for which the precinct is merged with  
4 40 another precinct as permitted by section 49.11, until  
4 41 the boundaries of the precinct are changed or the  
4 42 commissioner fixes a new polling place, except that  
4 43 the polling place shall be changed to a point within  
4 44 the boundaries of the precinct at any time not less  
4 45 than sixty days before the next succeeding election  
4 46 that a building or facility suitable for such use  
4 47 becomes available within the precinct.

4 48 Sec. 6. Section 49.14, subsection 1, Code 2005, is  
4 49 amended to read as follows:

4 50 1. The commissioner may appoint substitute  
5 1 precinct election officials as alternates for election  
5 2 board members. ~~A majority of the original election~~  
~~5 3 board members shall be present at the precinct polling~~  
~~5 4 place at all times.~~ However, at partisan elections  
5 5 ~~such the~~ majority of election board members at the  
~~5 6 precinct polling place shall include at least one~~  
5 7 precinct election official from each political party.  
5 8 ~~If the chairperson leaves the polling place, the~~  
~~5 9 chairperson shall designate another member of the~~  
~~5 10 board to serve as chairperson until the chairperson~~  
~~5 11 returns.~~ The responsibilities and duties of a  
5 12 precinct election official, ~~other than the~~  
~~5 13 chairperson,~~ present at the time the polling place was  
5 14 opened on the day of an election may be assumed at any  
5 15 later time that day by a substitute appointed as an  
5 16 alternate. The substitute shall serve either for the  
5 17 balance of that election day or for any shorter period  
5 18 of time the commissioner may designate.

5 19 Sec. 7. Section 49.31, subsection 2, unnumbered  
5 20 paragraph 2, Code 2005, is amended to read as follows:

5 21 On the general election ballot the names of  
5 22 candidates for the nonpartisan offices listed in  
5 23 section 39.21 shall be arranged ~~by drawing lots for~~  
~~5 24 position in alphabetical order by surname under the~~  
~~5 25 heading of the office to be filled.~~ The board of  
~~5 26 supervisors shall hold the drawing at its first~~  
~~5 27 meeting following the deadline for receipt of~~  
~~5 28 objections and withdrawals by candidates for the~~  
~~5 29 general election.~~

5 30 Sec. 8. Section 49.57, subsections 2 and 3, Code  
5 31 2005, are amended to read as follows:

5 32 2. In the area of the general election ballot for  
5 33 straight party voting, the party or organization names  
5 34 shall be printed in ~~capital upper case and lower case~~  
5 35 letters of using a uniform font size, in for each  
5 36 political party or nonparty political organization.

5 37 The font size shall be not less than twelve point  
5 38 type. After the name of each candidate for a partisan  
5 39 office the name of the candidate's political party  
5 40 shall be printed in at least six point type. The  
5 41 names of political parties and nonparty political  
5 42 organizations may be abbreviated on the remainder of  
5 43 the ballot if both the full name and the abbreviation  
5 44 appear in the "Straight Party" and "Other Political  
5 45 Party" areas of the ballot.

5 46 3. The names of candidates shall be printed in  
5 47 ~~capital upper case and lower case letters, of using a~~  
5 48 ~~uniform font size throughout the ballot, in. The font~~  
5 49 ~~size shall be not less than ten point type.~~

5 50 Sec. 9. Section 49.57, Code 2005, is amended by  
6 1 adding the following new subsection:

6 2 NEW SUBSECTION. 3A. In no case shall the font  
6 3 size for public measures, constitutional amendments,  
6 4 and constitutional convention questions, and summaries  
6 5 thereof, be less than ten point type.

6 6 Sec. 10. Section 49.57, subsection 5, Code 2005,  
6 7 is amended to read as follows:

6 8 5. A portion of the ballot, which can be shown to  
6 9 the precinct officials without revealing any of the  
6 10 marks made by the voter, shall include the words  
6 11 "Official ballot", ~~a designation of the ballot~~  
6 12 ~~rotation, if any the unique identification number or~~  
6 13 ~~name assigned by the commissioner to the ballot style,~~

6 14 the date of the election, and a facsimile of the  
6 15 signature of the commissioner who has caused the  
6 16 ballot to be printed pursuant to section 49.51.

6 17 Sec. 11. Section 49.73, subsection 1, paragraph e,  
6 18 Code 2005, is amended to read as follows:

6 19 e. ~~The Any election conducted for the~~  
6 20 ~~unincorporated area of any a county voting on a local~~  
6 21 ~~option sales and services tax pursuant to section~~  
6 22 ~~423B.1.~~

6 23 Sec. 12. Section 49.77, subsections 1 and 2, Code  
6 24 2005, are amended to read as follows:

6 25 1. The board members of their respective precincts  
6 26 shall have charge of the ballots and furnish them to  
6 27 the voters. Any person desiring to vote shall sign a  
6 28 voter's declaration provided by the officials, in  
6 29 substantially the following form:

6 30 VOTER'S DECLARATION OF ELIGIBILITY

6 31 I do solemnly swear or affirm that I am a resident  
6 32 of the .... precinct, .... ward or township, city of  
6 33 ....., county of ....., Iowa.

6 34 I am a registered voter. I have not voted and will  
6 35 not vote in any other precinct in said election.

6 36 I understand that any false statement in this  
6 37 declaration is a criminal offense punishable as  
6 38 provided by law.

6 39 .....  
6 40 Signature of Voter  
6 41 .....  
6 42 Address  
6 43 .....  
6 44 Telephone

6 45 Approved:  
6 46 .....  
6 47 Board Member

6 48 At the discretion of the commissioner, this  
6 49 declaration may be printed on each page of the  
6 50 election register and the voter shall sign the  
7 1 election register next to the voter's printed name.  
7 2 The voter's signature in the election register shall  
7 3 be considered the voter's signed declaration of  
7 4 eligibility affidavit. The state commissioner of  
7 5 elections shall prescribe by rule an alternate method  
7 6 for providing the information in subsection 2 for  
7 7 those counties where the declaration of eligibility is  
7 8 printed in the election register.

7 9 2. One of the precinct election officials shall  
7 10 announce the voter's name aloud for the benefit of any  
7 11 persons present pursuant to section 49.104, subsection  
7 12 2, 3, or 5. Any If the declaration of eligibility is  
7 13 not printed on each page of the election register, any  
7 14 of those persons may upon request view the signed  
7 15 declarations of eligibility and may review the signed  
7 16 declarations on file so long as the person does not  
7 17 interfere with the functions of the precinct election

7 18 officials. If the declaration of eligibility is  
7 19 printed on the election register, the precinct  
7 20 election official shall make available for viewing a  
7 21 listing of those voters who have signed declarations  
7 22 of eligibility. Any of those persons present pursuant  
7 23 to section 49.104, subsection 2, 3, or 5, may upon  
7 24 request view the listing of those voters who have  
7 25 signed declarations of eligibility, so long as the  
7 26 person does not interfere with the functions of the  
7 27 precinct election officials.

7 28 Sec. 13. Section 49.79, Code 2005, is amended to  
7 29 read as follows:

7 30 49.79 CHALLENGES.

7 31 1. Any person offering to vote may be challenged  
7 32 as unqualified by any precinct election official or  
7 33 registered voter. It is the duty of each official to  
7 34 challenge any person offering to vote whom the  
7 35 official knows or suspects is not duly qualified. A  
7 36 ballot shall be received from a voter who is  
7 37 challenged, but only in accordance with section 49.81.

7 38 2. A person may be challenged for any of the  
7 39 following reasons:

7 40 a. The challenged person is not a citizen of the  
7 41 United States.

7 42 b. The challenged person is less than eighteen  
7 43 years of age as of the date of the election at which  
7 44 the person is offering to vote.

7 45 c. The challenged person is not a resident at the  
7 46 address where the person is registered. However, a  
7 47 person who is reporting a change of address at the  
7 48 polls on election day pursuant to section 48A.27,  
7 49 subsection 2, paragraph "a", subparagraph (3) shall  
7 50 not be challenged for this reason.

8 1 d. The challenged person is not a resident of the  
8 2 precinct where the person is offering to vote.

8 3 e. The challenged person has falsified information  
8 4 on the person's registration form or on the person's  
8 5 declaration of eligibility.

8 6 f. The challenged person has been convicted of a  
8 7 felony, and the person's voting rights have not been  
8 8 restored.

8 9 g. The challenged person has been adjudged by a  
8 10 court of law to be a person who is incompetent to vote  
8 11 and no subsequent proceeding has reversed that  
8 12 finding.

8 13 Sec. 14. Section 50.16, Code 2005, is amended to  
8 14 read as follows:

8 15 50.16 TALLY LIST OF BOARD.

8 16 The tally list shall be prepared in writing by the  
8 17 election board giving, in legibly printed numerals,  
8 18 the total number of people who cast ballots in the  
8 19 precinct, the total number of ballots cast for each  
8 20 officer office, except those rejected, the name of  
8 21 each person voted for, and the number of votes given  
8 22 to each person for each different office. The tally  
8 23 list shall be signed by the precinct election  
8 24 officials, and be substantially as follows:

8 25 At an election at .... in .... township, or in ....  
8 26 precinct of .... city or township, in .... county,  
8 27 state of Iowa, on the ... day of .... A.D. ..., there  
8 28 were ... ballots cast for the office of .... of which  
8 29 (Candidate's name) ..... had .. votes.  
8 30 (Candidate's name) ..... had .. votes.  
8 31 (and in the same manner for any other officer).

8 32 A true tally list:

8 33 (Name) ..... Election Board  
8 34 (Name) ..... Members.  
8 35 (Name) .....

8 36 Attest:

8 37 (Name) ..... Designated  
8 38 (Name) ..... Tally Keepers.

8 39 Sec. 15. Section 50.25, subsection 7, Code 2005,  
8 40 is amended by striking the subsection.

8 41 Sec. 16. Section 50.25, Code 2005, is amended by  
8 42 adding the following new unnumbered paragraph:

8 43 NEW UNNUMBERED PARAGRAPH. The abstract of the  
8 44 votes for each county office is not required to be  
8 45 made on a different sheet.

8 46 Sec. 17. Section 52.25, unnumbered paragraph 2,  
8 47 Code 2005, is amended to read as follows:

8 48 The entire convention question, amendment, or

8 49 public measure shall be printed and displayed  
8 50 prominently in at least four places within the voting  
9 1 precinct, and inside each voting booth, or on the  
9 2 left-hand side inside the curtain of each voting  
9 3 machine, the printing to be in conformity with the  
9 4 provisions of chapter 49. The question, amendment, or  
9 5 measure, and summaries thereof, shall be printed on  
9 6 the special paper ballots or on the inserts used in  
9 7 the voting machines. In no case shall the font size  
9 8 be less than ten point type. The public measure shall  
9 9 be summarized by the commissioner ~~and in the largest~~  
~~9 10 type possible printed on the special paper ballots or~~  
~~9 11 inserts used in the voting machines,~~ except that:

9 12 Sec. 18. Section 376.11, unnumbered paragraphs 1  
9 13 and 2, Code 2005, are amended to read as follows:  
9 14 Write-in votes are permitted to be cast in all  
9 15 elections for city offices. A person who receives a  
9 16 sufficient number of write-in votes to be elected to a  
9 17 city office shall be declared the winner of the  
9 18 election. If a person who was elected by write-in  
9 19 votes chooses not to serve in that office the person  
9 20 shall submit a resignation in writing to the city  
9 21 clerk not later than five ~~o'clock~~ p.m. on the tenth  
9 22 day following the canvass of the election. If a  
9 23 person who was elected by write-in votes resigns at a  
9 24 later time, the office shall be considered vacant at  
9 25 the end of the term and the council shall fill the  
9 26 vacancy pursuant to the provisions of section 372.13,  
9 27 subsection 2.

9 28 Except in cities where the council has chosen a  
9 29 runoff election in lieu of a primary, following the  
9 30 resignation of a person who was elected by write-in  
9 31 votes, the city clerk shall notify the person who  
9 32 received the next highest number of votes cast for the  
9 33 office that the person may assume the office. If the  
9 34 person accepts the position, the person shall be  
9 35 considered the duly elected officer unless, within ten  
9 36 days after the clerk has given notice, a petition  
9 37 requesting a special election is filed by eligible  
9 38 electors of the city equal in number to twenty-five  
9 39 percent of the number of persons who voted for the  
9 40 office at the election. If the person declines, the  
9 41 person shall do so in writing to the city clerk within  
9 42 ten days and the office shall be considered vacant at  
9 43 the end of the term. The vacancy shall be filled  
9 44 pursuant to the provisions of section 372.13,  
9 45 subsection 2. If the council chooses to appoint, the  
9 46 appointment may be made before the end of the current  
9 47 term.

9 48 Sec. 19. EFFECTIVE AND APPLICABILITY DATES.  
9 49 1. The section of this division of this Act  
9 50 amending section 49.77, being deemed of immediate  
10 1 importance, takes effect upon enactment and applies to  
10 2 elections held on or after that date.

10 3 2. The remainder of this division of this Act  
10 4 applies to elections held on or after January 1, 2006.

10 5 DIVISION II  
10 6 ABSENTEE VOTING

10 7 Sec. 20. Section 39A.4, subsection 1, paragraph c,  
10 8 subparagraphs (10), (11), and (12), Code 2005, are  
10 9 amended to read as follows:

10 10 (10) As an incumbent officeholder of, or a  
10 11 candidate for, an office being voted for at the  
10 12 election in progress, serving as a member of a  
10 13 challenging committee or observer under section  
10 14 49.104, subsection 2, 5, or 6, or section 53.23,  
10 15 subsection 4.

10 16 (11) Returning a voted absentee ballot, by mail or  
10 17 in person, to the commissioner's office and the person  
10 18 returning the ballot is not the voter, an immediate  
10 19 family member of the voter, an absentee ballot  
10 20 courier, a special precinct election official  
10 21 designated pursuant to section 53.22, subsection 1, or  
10 22 the designee of a voter described in section 53.22,  
10 23 subsection 5.

10 24 (12) Making a false or untrue statement reporting  
10 25 that a voted absentee ballot was returned to the  
10 26 commissioner's office, by mail or in person, by a  
10 27 person other than the voter, an immediate family  
10 28 member of the voter, an absentee ballot courier, a  
10 29 special precinct election official designated pursuant

10 30 to section 53.22, subsection 1, or the designee of a  
10 31 voter described in section 53.22, subsection 5.  
10 32 Sec. 21. Section 39A.5, subsection 1, paragraph b,  
10 33 subparagraph (2), Code 2005, is amended to read as  
10 34 follows:

~~10 35 (2) Neglecting or refusing to return an absentee  
10 36 ballot in violation of section 53.35, or violating  
10 37 Violating any other provision of chapter 53 for which  
10 38 another penalty is not provided.~~

10 39 Sec. 22. Section 49.63, Code 2005, is amended to  
10 40 read as follows:

10 41 49.63 TIME OF PRINTING == INSPECTION AND  
10 42 CORRECTION.

10 43 Ballots shall be printed and in the possession of  
10 44 the commissioner in time to enable the commissioner to  
10 45 furnish ballots to absent voters as provided by  
10 46 sections 53.8, ~~53.10~~, and 53.11. The printed ballots  
10 47 shall be subject to the inspection of candidates and  
10 48 their agents. If mistakes are discovered, they shall  
10 49 be corrected without delay, in the manner provided in  
10 50 this chapter.

11 1 Sec. 23. Section 53.2, subsections 1 and 4, Code  
11 2 2005, are amended to read as follows:

11 3 1. Any registered voter, under the circumstances  
11 4 specified in section 53.1, may on any day, except  
11 5 election day, and not more than seventy days prior to  
11 6 the date of the election, apply in person for an  
11 7 absentee ballot at the commissioner's office or at any  
11 8 location designated by the commissioner. However, for  
11 9 those elections in which the commissioner directs the  
11 10 polls be opened at noon pursuant to section 49.73, a  
11 11 voter may apply in person for an absentee ballot at  
11 12 the commissioner's office from eight a.m. until eleven  
11 13 a.m. on election day.

11 14 PARAGRAPH DIVIDED. A registered voter may make  
11 15 written application to the commissioner for an  
11 16 absentee ballot. A written application for an  
11 17 absentee ballot must be received by the commissioner  
11 18 no later than five p.m. on the Friday before the  
11 19 election. A written application for an absentee  
11 20 ballot delivered to the commissioner and received by  
11 21 the commissioner more than seventy days prior to the  
11 22 date of the election shall be retained by the  
11 23 commissioner and processed in the same manner as a  
11 24 written application received not more than seventy  
11 25 days before the date of the election. However, in a  
11 26 general election year, if an application for an  
11 27 absentee ballot for the general election is received  
11 28 on or before primary election day, the commissioner  
11 29 shall return the application to the voter and shall  
11 30 enclose a notice stating that the application may not  
11 31 be submitted until after the primary election.

11 32 4. Each application shall contain the name and  
11 33 signature of the registered voter, the registered  
11 34 voter's date of birth, the address at which the voter  
11 35 is registered to vote, and the name or date of the  
11 36 election for which the absentee ballot is requested,  
11 37 and such other information as may be necessary to  
11 38 determine the correct absentee ballot for the  
11 39 registered voter. If insufficient information has  
11 40 been provided, the commissioner shall, by the best  
11 41 means available, obtain the additional necessary  
11 42 information.

11 43 Sec. 24. Section 53.7, subsection 1, Code 2005, is  
11 44 amended to read as follows:

11 45 1. It shall be unlawful for any employee of the  
11 46 state or any employee of a political subdivision to  
11 47 solicit any application or request for application for  
11 48 an absentee ballot, or to take an affidavit in  
11 49 connection with any absentee ballot while the employee  
11 50 is on the employer's premises or otherwise in the  
12 1 course of employment. However, any such employee may  
12 2 take such affidavit in connection with an absentee  
12 3 ballot which is cast by the registered voter in person  
12 4 in the office where such employee is employed in  
12 5 accordance with section 53.10 or 53.11. This  
12 6 subsection shall not apply to any elected official.

12 7 Sec. 25. Section 53.8, subsection 2, Code 2005, is  
12 8 amended to read as follows:

12 9 2. If an application is received so late that it  
12 10 is unlikely that the absentee ballot can be returned

12 11 in time to be counted on election day, the  
12 12 commissioner shall enclose with the absentee ballot a  
12 13 statement to that effect. The statement shall also  
12 14 point out that it is possible for the applicant, an  
12 15 immediate family member of the applicant, or the  
12 16 applicant's designee if the absentee ballot is voted  
12 17 by a voter described in section 53.22, subsection 5,  
12 18 to personally deliver the completed absentee ballot to  
12 19 the office of the commissioner at any time before the  
12 20 closing of the polls on election day. The statement  
12 21 shall also point out that it is possible for an  
12 22 absentee ballot courier to personally deliver the  
12 23 completed absentee ballot to the office of the  
12 24 commissioner within seventy-two hours of retrieving  
12 25 the completed ballot or before the closing of the  
12 26 polls on election day, whichever is earlier.

12 27 Sec. 26. Section 53.8, subsection 3, unnumbered  
12 28 paragraph 3, Code 2005, is amended to read as follows:

12 29 Nothing in this subsection nor in section 53.22  
12 30 shall be construed to prohibit a registered voter who  
12 31 is a hospital patient or resident of a health care  
12 32 facility, or who anticipates entering a hospital or  
12 33 health care facility before the date of a forthcoming  
12 34 election, from casting an absentee ballot in the  
12 35 manner prescribed by section 53.10 or 53.11.

12 36 Sec. 27. Section 53.17, subsection 1, paragraph a,  
12 37 Code 2005, is amended to read as follows:

12 38 a. The sealed carrier envelope may be delivered by  
12 39 the registered voter, by an immediate family member of  
12 40 the voter, by the special precinct election officials  
12 41 designated pursuant to section 53.22, subsection 1, or  
12 42 by the voter's designee if the absentee ballot is  
12 43 voted by a voter described in section 53.22,  
12 44 subsection 5, to the commissioner's office no later  
12 45 than the time the polls are closed on election day.

12 46 Sec. 28. Section 53.18, Code 2005, is amended to  
12 47 read as follows:

12 48 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

12 49 1. Upon receipt of the absentee ballot, the  
12 50 commissioner shall at once record the number appearing  
13 1 on the application and return carrier envelope and  
13 2 time of receipt of such ballot and attach the  
13 3 elector's application to the unopened envelope.  
13 4 Absentee ballots shall be stored in a secure place  
13 5 until they are delivered to the absentee and special  
13 6 voters precinct board.

13 7 2. Upon receipt of the return carrier envelope  
13 8 containing the completed absentee ballot, the  
13 9 commissioner shall open the carrier envelope and  
13 10 remove the affidavit envelope to review the affidavit  
13 11 for any deficiencies. If the affidavit contains a  
13 12 deficiency which would cause the ballot to be  
13 13 rejected, the commissioner shall immediately notify  
13 14 the voter of that fact and that the voter may correct  
13 15 the deficiency in the time permitted under section  
13 16 53.17, subsection 2.

13 17 Sec. 29. Section 53.22, subsection 1, paragraph a,  
13 18 unnumbered paragraph 1, Code 2005, is amended to read  
13 19 as follows:

13 20 A registered voter who has applied for an absentee  
13 21 ballot, in a manner other than that prescribed by  
13 22 section 53.10 or 53.11, and who is a resident or  
13 23 patient in a health care facility or hospital located  
13 24 in the county to which the application has been  
13 25 submitted shall be delivered the appropriate absentee  
13 26 ballot by two special precinct election officers, one  
13 27 of whom shall be a member of each of the political  
13 28 parties referred to in section 49.13, who shall be  
13 29 appointed by the commissioner from the election board  
13 30 panel for the special precinct established by section  
13 31 53.20. The special precinct election officers shall  
13 32 be sworn in the manner provided by section 49.75 for  
13 33 election board members, shall receive compensation as  
13 34 provided in section 49.20 and shall perform their  
13 35 duties during the ten calendar days preceding the  
13 36 election and on election day if all ballots requested  
13 37 under section 53.8, subsection 3 have not previously  
13 38 been delivered and returned.

13 39 Sec. 30. Section 53.25, unnumbered paragraph 1,  
13 40 Code 2005, is amended to read as follows:

13 41 In case the absentee voter's affidavit is found to

13 42 be insufficient by the special precinct election  
13 43 board, or that the applicant is not a duly registered  
13 44 voter in such precinct, or that the ballot envelope is  
13 45 open, or has been opened and resealed, or that the  
13 46 ballot envelope contains more than one ballot of any  
13 47 one kind, or that said voter has voted in person, such  
13 48 vote shall not be accepted or counted.

13 49 Sec. 31. Section 53.31, unnumbered paragraph 1,  
13 50 Code 2005, is amended to read as follows:

14 1 Any person qualified to vote at the election in  
14 2 progress may challenge the qualifications of a person  
14 3 casting an absentee ballot by submitting a written  
14 4 challenge to the commissioner no later than five p.m.  
14 5 on the ~~day~~ Friday before the election. It is the duty  
14 6 of the special precinct officials to challenge the  
14 7 absentee ballot of any person whom the official knows  
14 8 or suspects is not duly qualified. Challenges by  
14 9 members of the special precinct election board or  
14 10 observers present pursuant to section 53.23 may be  
14 11 made at any time before the close of the polls on  
14 12 election day. The challenge shall state the reasons  
14 13 for which the challenge is being submitted and shall  
14 14 be signed by the challenger. When a challenge is  
14 15 received the absentee ballot shall be set aside for  
14 16 consideration by the special precinct election board  
14 17 when it meets as required by section 50.22.

14 18 Sec. 32. Section 53.37, Code 2005, is amended to  
14 19 read as follows:

14 20 53.37 DEFINITIONS.

14 21 1. This division is intended to implement the  
14 22 federal Uniform and Overseas Citizens Absentee Voting  
14 23 Act, 42 U.S.C. } 1973ff et seq.

14 24 2. The term "armed forces of the United States",  
14 25 as used in this division, shall mean the army, navy,  
14 26 marine corps, coast guard, and air force of the United  
14 27 States.

14 28 3. For the purpose of absentee voting only, there  
14 29 shall be included in the term "armed forces of the  
14 30 United States" the following:

14 31 ~~1-~~ a. Spouses and dependents of members of the  
14 32 armed forces while in active service.

14 33 ~~2-~~ b. Members of the merchant marine of the  
14 34 United States and their spouses and dependents.

14 35 ~~3-~~ c. Civilian employees of the United States in  
14 36 all categories serving outside the territorial limits  
14 37 of the several states of the United States and the  
14 38 District of Columbia and their spouses and dependents  
14 39 when residing with or accompanying them, whether or  
14 40 not the employee is subject to the civil service laws  
14 41 and the Classification Act of 1949, and whether or not  
14 42 paid from funds appropriated by the Congress.

14 43 ~~4-~~ d. Members of religious groups or welfare  
14 44 agencies assisting members of the armed forces, who  
14 45 are officially attached to and serving with the armed  
14 46 forces, and their spouses and dependents.

14 47 ~~5-~~ e. Citizens of the United States who do not  
14 48 fall under any of the categories described in  
14 49 subsections 1 to 4, but who are entitled to register  
14 50 and vote pursuant to section 48A.5, subsection 4.

15 1 4. For the purposes of this division, "qualified  
15 2 voter" means a person who is included within the term  
15 3 "armed forces of the United States" as described in  
15 4 this section, who would be qualified to register to  
15 5 vote under section 48A.5, subsection 2, except for  
15 6 residency, and who is not disqualified from  
15 7 registering to vote and voting under section 48A.6.

15 8 Sec. 33. Section 53.38, Code 2005, is amended to  
15 9 read as follows:

15 10 53.38 WHAT CONSTITUTES REGISTRATION.

15 11 Whenever a ballot is requested pursuant to section  
15 12 53.39 or 53.45 on behalf of a voter in the armed  
15 13 forces of the United States, the affidavit upon the  
15 14 ballot envelope of such voter, if the voter is found  
15 15 to be an eligible elector of the county to which the  
15 16 ballot is submitted, shall constitute a sufficient  
15 17 registration under chapter 48A. A completed federal  
15 18 postcard registration and federal absentee ballot  
15 19 request form submitted by such eligible elector shall  
15 20 also constitute a sufficient registration under  
15 21 chapter 48A. The commissioner shall place the voter's  
15 22 name on the registration record as a registered voter

15 23 if it does not already appear there. The  
15 24 identification requirements of section 48A.8 and the  
15 25 verification requirements of section 48A.25A do not  
15 26 apply to persons who register to vote under this  
15 27 division.

15 28 Sec. 34. Section 53.41, Code 2005, is amended to  
15 29 read as follows:

15 30 53.41 RECORDS BY COMMISSIONER == EXCESS REQUESTS  
15 31 OR BALLOTS.

15 32 The commissioner of each county shall establish and  
15 33 maintain a record of all requests for ballots which  
15 34 are made, and of all ballots transmitted, and the  
15 35 manner of transmittal, from and received in the  
15 36 commissioner's office under the provisions of this  
15 37 division.

15 38 PARAGRAPH DIVIDED. If more than one request for  
15 39 absent voter's ballot for a particular election is  
15 40 made to the commissioner before the ballots are ready  
15 41 to mail by or on behalf of a voter in the armed forces  
15 42 of the United States, the last request ~~first~~ received  
15 43 shall be honored, except that if one of the requests  
15 44 is made by the voter, ~~and a request on the voter's~~  
15 45 ~~behalf has not been previously honored,~~ the request of  
15 46 the voter shall be honored in preference to a request  
15 47 made on the voter's behalf by another.

15 48 PARAGRAPH DIVIDED. Not more than one ballot shall  
15 49 be transmitted by the commissioner to any voter for a  
15 50 particular election unless after the ballot has been  
16 1 mailed the voter reports a change in the address to  
16 2 which the ballot should be sent. A ballot shall be  
16 3 mailed using a serial number that indicates that this  
16 4 is a replacement sent to an updated address. The  
16 5 original ballot shall be counted only if the  
16 6 replacement ballot does not arrive. If the

16 7 commissioner receives more than one absent voter's  
16 8 ballot, provided for by this division, from or  
16 9 purporting to be from any one voter for a particular  
16 10 election, all of the ballots so received from or  
16 11 purporting to be from such voter are void, and the  
16 12 commissioner shall not deliver any of the ballots to  
16 13 the precinct election officials, but shall retain them  
16 14 in the commissioner's office, and preserve them for  
16 15 the period and under the conditions provided for in  
16 16 sections 50.12 through 50.15 and section 50.19.

16 17 Sec. 35. Section 53.44, unnumbered paragraph 2,  
16 18 Code 2005, is amended to read as follows:

16 19 Absentee ballots issued under this division shall  
16 20 be returned ~~in the same manner~~ either by mail by the  
16 21 voter or a person designated by the voter or by  
16 22 personal delivery by the voter or a person designated  
16 23 by the voter and within the same time limits specified  
16 24 in section 53.17.

16 25 Sec. 36. Section 53.53, subsection 4, paragraph a,  
16 26 Code 2005, is amended to read as follows:

16 27 a. The ballot was submitted from within the United  
16 28 States, unless the voter is a member of the armed  
16 29 forces of the United States, as described in section  
16 30 53.37, subsection 2, on active duty and away from the  
16 31 voter's county of residence for purposes of serving on  
16 32 active duty.

16 33 Sec. 37. Section 53.53, subsection 4, paragraph b,  
16 34 Code 2005, is amended to read as follows:

16 35 b. The voter's application for a regular absentee  
16 36 ballot was received by the commissioner less than  
16 37 ~~thirty~~ fourteen days prior to the election.

16 38 Sec. 38. Section 53.35, Code 2005, is repealed.

16 39 Sec. 39. APPLICABILITY DATE. This division of  
16 40 this Act applies to elections held on or after January  
16 41 1, 2006.

16 42 DIVISION III  
16 43 VOTER REGISTRATION

16 44 Sec. 40. Section 48A.2, Code 2005, is amended by  
16 45 adding the following new subsection:

16 46 NEW SUBSECTION. 6. "Voter registration list"  
16 47 means a compilation of voter registration records  
16 48 produced, upon request, from the electronic voter  
16 49 registration file or by viewing, upon request, the  
16 50 original, completed voter registration applications  
17 1 and forms.

17 2 Sec. 41. Section 48A.11, subsection 8, Code 2005,  
17 3 is amended to read as follows:

17 4 8. A voter registration application lacking the  
17 5 registrant's name, sex, date of birth, or residence  
17 6 address or description shall not be processed. A  
17 7 voter registration application lacking the  
17 8 registrant's driver's license number, Iowa  
17 9 nonoperator's identification card number, or the last  
17 10 four digits of the registrant's social security number  
17 11 shall not be processed. A voter registration  
17 12 application lacking the registrant's signature shall  
17 13 not be processed. A registrant whose registration is  
17 14 not processed pursuant to this subsection shall be  
17 15 notified pursuant to section 48A.26, subsection 3. A  
17 16 registrant who does not have an Iowa driver's license  
17 17 number, an Iowa nonoperator's identification number,  
17 18 or a social security number and who notifies the  
17 19 registrar of such shall be assigned a unique  
17 20 identifying number that shall serve to identify the  
17 21 registrant for voter registration purposes.  
17 22 Sec. 42. Section 48A.25A, Code 2005, is amended to  
17 23 read as follows:

17 24 48A.25A VERIFICATION OF VOTER REGISTRATION  
17 25 INFORMATION.

17 26 Upon receipt of an application for voter  
17 27 registration ~~by mail~~, the state registrar of voters  
17 28 shall compare the driver's license number, the Iowa  
17 29 nonoperator's identification card number, or the last  
17 30 four numerals of the social security number provided  
17 31 by the registrant with the records of the state  
17 32 department of transportation or the social security  
17 33 administration. To be verified, the voter  
17 34 registration record shall contain the same name, date  
17 35 of birth, and driver's license number or Iowa  
17 36 nonoperator's identification card number or whole or  
17 37 partial social security number as the records of the  
17 38 state department of transportation or social security  
17 39 administration. If the information cannot be  
17 40 verified, the application shall be rejected and the  
17 41 registrant shall be notified of the reason for the  
17 42 rejection. If the information can be verified, a  
17 43 record shall be made of the verification and the  
17 44 application shall be accepted.

17 45 The voter registration commission shall adopt rules  
17 46 in accordance with chapter 17A to provide procedures  
17 47 for processing registration applications if the ~~state~~  
17 48 ~~department of transportation does not,~~ applications  
17 49 cannot be verified before the close of registration  
17 50 for an election for which the voter registration  
18 1 otherwise would be effective, ~~if verified, provide a~~  
18 2 ~~report that the information on the application has~~  
18 3 ~~matched or not matched the records of the department.~~  
18 4 This section does not apply to persons described in  
18 5 section 53.37 who are entitled to register to vote and  
18 6 to vote pursuant to section 48A.5, subsection 4.

18 7 Sec. 43. Section 48A.26, subsection 4, Code 2005,  
18 8 is amended to read as follows:

18 9 4. If the registrant applied by mail to register  
18 10 to vote and did not answer either "yes" or "no" to the  
18 11 question in section 48A.11, subsection 3, paragraph  
18 12 "a", the application shall be processed, ~~but the~~  
18 13 ~~registration shall be designated as valid only for~~  
18 14 ~~elections that do not include candidates for federal~~  
18 15 ~~offices on the ballot.~~ The acknowledgment shall  
18 16 advise the applicant that the ~~status of the~~  
18 17 ~~registration is local and the reason for the~~  
18 18 ~~registration being assigned local status~~ applicant  
18 19 must submit a new form with the appropriate box  
18 20 checked. The commissioner shall enclose a new  
18 21 registration by mail form for the applicant to use.  
18 22 If the original application is received during the  
18 23 twelve days before the close of registration for an  
18 24 election that includes candidates for federal offices  
18 25 on the ballot, the commissioner shall provide the  
18 26 registrant with an opportunity to complete the form  
18 27 before the close of registration.

18 28 Sec. 44. Section 48A.37, subsection 2, Code 2005,  
18 29 is amended to read as follows:

18 30 2. Electronic records shall include a status code  
18 31 designating whether the records are active, inactive,  
18 32 ~~local~~, or pending. Inactive records are records of  
18 33 registered voters to whom notices have been sent  
18 34 pursuant to section 48A.28, subsection 3, and who have

18 35 not returned the card or otherwise responded to the  
18 36 notice, and those records have been designated  
18 37 inactive pursuant to section 48A.29. ~~Local records~~  
~~18 38 are records of applicants who did not answer either~~  
~~18 39 "yes" or "no" to the question in section 48A.11,~~  
~~18 40 subsection 3, paragraph "a".~~ Pending records are  
18 41 records of applicants whose applications have not been  
18 42 verified pursuant to section 48A.25A. All other  
18 43 records are active records. An inactive record shall  
18 44 be made active when the registered voter votes at an  
18 45 election, registers again, or reports a change of  
18 46 name, address, telephone number, or political party  
18 47 affiliation. A pending record shall be made active  
18 48 upon verification. ~~A local record shall be valid for~~  
~~18 49 any election for which no candidates for federal~~  
~~18 50 office appear on the ballot. A registrant with only a~~  
~~19 1 local record shall not vote in a federal election~~  
~~19 2 unless the registrant submits a new voter registration~~  
~~19 3 application before election day indicating that the~~  
~~19 4 applicant is a citizen of the United States.~~

19 5 Sec. 45. APPLICABILITY DATE. This division of  
19 6 this Act applies to elections held on or after January  
19 7 1, 2006.>

19 8 #2. By striking title page 1, line 1, through page  
19 9 2, line 4, and inserting the following: <An Act  
19 10 relating to the conduct of elections and voter  
19 11 registration and including effective date and  
19 12 applicability provisions.>

19 13 #3. By renumbering as necessary.

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19 15

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19 17 GASKILL of Wapello

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19 20

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19 21 WENDT of Woodbury

19 22 HF 644.301 81

19 23 sc/cf/252